

### **REMARKS**

Upon entry of the amendment, claims 23, 28 and 48-67 will be pending in the application. Claims 1-22, 24-27, and 31-47 have been cancelled. Claims 48-61 are newly added. Support for the claim amendments and the new claims appears in, e.g., in the original claims and at page 4, lines 21-26 and page 9, lines 20-23. No new matter has been added.

Applicants enclose copies of references accompanying the Information Disclosure Statements submitted on May 9, 2002 and February 11, 2003, as well as a copy of Figure 2 from PCT/US99/29493, from which the pending application was filed as a 35 USC 371 national phase application.

#### **Rejections under 35 USC 112, second paragraph**

Claims 23, 28, 31, 44, and 47 are rejected as indefinite for depending from claims in non-elected groups. Claims 23 and 28 have been amended so that they are presented as independent claims drawn to the elected subject matter. Claims 31, 44, and 47 are cancelled. Therefore, this aspect of the rejection can be withdrawn.

Claim 23 is rejected for reciting a “therapeutically effective amount”. The claim has been amended to delete this language.

Claim 31 is rejected for lacking antecedent basis. Claim 31 has been cancelled.

Claims 44 and 47 are rejected for being improper multiple dependent claims. These claims have been cancelled.

In view of the foregoing comments, Applicants request withdrawal of the rejections for indefiniteness.

Rejections under 35 USC 112, first paragraph

Claim 23 is rejected for overbreadth. The rejection is traversed to the extent it is applied to the claim as amended.

Claim 23 as amended is drawn to a method of inhibiting binding of IL-13 to the IL-13 receptor in a mammalian subject by administering a polypeptide encoded by a polynucleotide that hybridizes at high stringency to the complement of the portion of SEQ ID NO:3 that encodes about from about amino acid 26 to about amino acid 341 of SEQ ID NO:4. The claim additionally requires that the polypeptide is administered in an amount sufficient to inhibit binding of IL-13 to the IL-13 receptor.

Applicants submit that the artisan can readily practice the full scope of the invention now claimed. Amino acids 26 to 341 correspond to the extracellular portion of the human IL-13 Receptor sequence disclosed in Applicants' specification (see, e.g., page 8, lines 1-5 of the specification). The specification provides an example of how binding to a soluble IL-13bc to IL-13 can be assessed (Example 3, page 24). The specification also teaches that a fusion polypeptide with the extracellular portion of the human IL-13 Receptor inhibits sequence reversed symptoms in the airway hyper responsiveness ("AHR") murine model (Example 6, page 28, line 21 to page 29, line 11). The Examiner additionally notes that the specification is enabling for a method that uses SEQ ID NO:4 (see page 4, lines 1-6 of the Office Action). In

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addition to this polypeptide, the artisan can readily identify additional polypeptides falling within the scope of the claims. Applicants request reconsideration and withdrawal of the rejection.

Claims 28-31 and 39-44 are rejected for overbreadth. Claims 29-31 and 39-44 are cancelled. The rejection is traversed to the extent it is applied to claim 28 as amended.

Claim 28 is now drawn to a method of treating an IL-13-related condition in a mammalian subject by administering a therapeutically effective amount of a polypeptide encoded by a polynucleotide that hybridizes at high stringency to the complement of the portion of SEQ ID NO:3 that encodes about from about amino acid 26 to about amino acid 341 of SEQ ID NO:4. Thus, the claimed method now requires a specifically identified polypeptide and is directed to specified IL-13 related conditions an allergic condition, atopy, or asthma. Applicants submit that the artisan can readily practice the full scope of the invention now claimed.

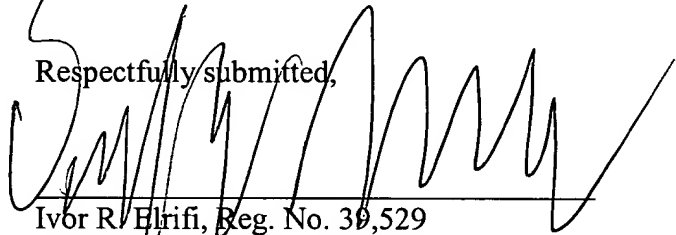
Claims 45-47 are rejected for lack of enablement, and claims 39-46 are rejected for lack of written description. These claims are cancelled.

In view of the foregoing comments, Applicants respectfully request reconsideration and withdrawal of the rejections for overbreadth and lack of written description.

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Applicants submit that the application is in condition for allowance, and such action is respectfully requested. A petition for an extension of time accompanies this response. Please charge any payments or credit any overpayments of the same to Deposit Account No. 50-0311, reference 22058-514 NATL. Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Ivor R. Elrifi, is written over a horizontal line.

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